



08-30-07

RCE # IPW

Practitioner's Docket No. MPI96-027CP2RCE2M

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Lijun Wu, et al.		
Application No.:	09/870,932	Group No.:	1649
Filed:	May 30, 2001	Examiner:	Daniel E. Kolker
For:	ANTI-CCR5 ANTIBODIES AND KITS COMPRISING SAME		

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

## TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

i. ☒ Prior to abandonment of the application

ii. ☐ Payment of the issue fee

☐ Prior to payment of issue fee

08/30/2007 TNGUYEN2 00000046 501668 09/870,932 Issue fee has been paid but a petition under Section 1.313 has been granted

01 FC:1801 790.00 DA  
02 FC:1255 2160.00 DA

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"  
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## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker/Beverly Sotiropoulos  
(type or print name of person certifying)

Date: August 29, 2007

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences  
☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145  
or ☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

**ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. Section 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An Amendment after Final and Response under 37 CFR 1.114 (12 pages)
- ☒ New arguments
- ☐ New evidence in support of patentability
- ☒ Other: Change of Attorney Docket Number (1 page)

**FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).**

- |   |          |
|---|----------|
| 4. This application is on behalf of other than a small entity | \$790.00 |
| Continued Examination Request Fee                             | \$790.00 |

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)	OTHER THAN A SMALL ENTITY		
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate		Addit. Fee
Total	18	Minus	73	=	0	\$50.00	=	\$0.00
Indep.	3	Minus	23	=	0	\$200.00	=	\$0.00
First Presentation of Multiple Dependent Claims	0		0			\$360.00	=	\$0.00
						Total Addit. Fee		\$0.00

Total additional fee for claims required \$0.00

(c) ☒ No additional fee is required.

**OR**

(d) ☐ Total additional fee required is 0

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for small entity	Fee for other than small entity
<input type="checkbox"/> one month	\$ 60.00	\$ 120.00
<input type="checkbox"/> two months	\$ 225.00	\$ 450.00
<input type="checkbox"/> three months	\$ 510.00	\$ 1,020.00
<input type="checkbox"/> four months	\$ 795.00	\$1,590.00
<input checked="" type="checkbox"/> five months	\$1,080.00	\$2,160.00
Fee		<u>\$2,160.00</u>

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If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$2,160.00

**OR**

- (b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Examination Fee (Section 1.17(e))	<u>\$790.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	<u>\$0.00</u>
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	<u>\$2,160.00</u>
Total Fee(s) Due:	<u>\$2,950.00</u>

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☐ Check is attached for the sum of \_\_\_\_\_
- ☒ Charge Account 501668 the sum of \$2,950.00
- ☐ Charge Credit Card the sum of \_\_\_\_\_  
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

- ☒ Account 501668
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48 is/has separately:
- ☐ being filed
- ☐ been filed

10. Correspondence Address

Direct all future correspondence to:

Customer Number 30405

OR

Intellectual Property Department  
MILLENNIUM PHARMACEUTICALS, INC.  
40 Landsdowne Street  
Cambridge, MA 02139

August 29, 2007

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